

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 22617 of 2005****For Approval and Signature:****HONOURABLE MR.JUSTICE K.M.MEHTA**

- =====
- 1 Whether Reporters of Local Papers may be allowed
to see the judgment ? -**No.**
- 2 To be referred to the Reporter or not ? -**No.**
- 3 Whether their Lordships wish to see the fair copy
of the judgment ? -**No.**
- 4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ? -**No.**
- 5 Whether it is to be circulated to the civil
judge ? -**No.**
- =====

HARISHBHAI FAKIRBHAI KOLI - PATEL - Petitioner(s)**Versus****DISTRICT MAGISTRATE - NAVSARI & 2 - Respondent(s)****Appearance :**

MS DR KACHHAVAH for Petitioner(s) : 1, MR KAMLESH KACHHAVAH for
Petitioner(s) : 1,
RULE SERVED for Respondent(s) : 1 - 2.
GOVERNMENT PLEADER for Respondent(s) : 3,

=====

CORAM : HONOURABLE MR.JUSTICE K.M.MEHTA**Date : 24/01/2006****ORAL JUDGMENT**

1.Harishbhai Fakirbhai Koli-Patel, petitioner-detenu has
filed this habeas corpus petition under Article 226 of
the Constitution of India challenging the order of
detention dated 14/10/2005 passed by the District

Magistrate, Navsari under the provisions of PASA Act. Petition was filed on 21/11/2005. On 22/11/2005, this Court (Coram:K.M.Mehta, J.) has issued rule which was returnable on 19/12/2005. On behalf of respondent, Mr.L.R.Pujari, learned APP appears, therefore, with consent of parties, matter has been placed for final hearing to this Court.

2.Mr.D.R.Kachhavah, learned advocate for the petitioner has invited my attention to the fact that this petition has been filed by the co-detenu of Ishwarbhai Chhanabhai Koli-Patel, petitioner-detenu in Special Civil Application No.21971 of 2005 which this Court has allowed today i.e. on 24/1/1006. In view of the same, this petition is also required to be quashed and set aside.

3.In the result, petition is allowed. I hereby quash and set aside the order of detention. Harishbhai Fakirbhai Koli (Patel), detenu is ordered to be set at liberty forthwith if he is not required in connection with any other case. Rule is made absolute accordingly with no order as to cost. Direct service is permitted.

(K.M.MEHTA, J.)

(ila)